

CAUGHT AT LAST
AFTER HARD FIGHT

Copper Wire Thief, Who Escaped from Asylum, Beat Attendant Before Surrender.

MANY DARING ESCAPES

Man Facing Life Term in Penitentiary, Brought Back Under Strong Guard.

Unless luck plays in his favor even more than it has heretofore, James Heller, the one-armed negro for whom the police of this city, Petersburg and the officers of Henrico county have hunted for the last two months, will spend the rest of his mortal existence in the penitentiary. He fell prey to one of the attendants of the Central State Hospital in Petersburg early yesterday morning. In response to a telephone message from Dr. W. P. Drewry, of the hospital, Deputy Sheriff Garnett met him at the train yesterday evening and looked him safely in the strongest cell of the County Jail.

Heller has already spent two terms in the penitentiary, and was under sentence for the third when he fled from the hospital and was taken to the asylum. There he found it an easy matter to make his escape after the experts said that he was not crazy. That was about the middle of August, and since that time he seems to have been quietly moving between here and Petersburg, taking care to steer clear of the officers of the law.

Fled About Stealing Wire.
Although he has only one arm, Heller is said to be one of the cleverest all-around thieves in the business locally. His mania, however, has always been copper wire. In order to get it his favorite stunt was to climb trolley poles by some method known only to himself. Besides reporting spent two terms in the penitentiary, he has been jailed times without number and fined accordingly. Once he was shot while getting away with a choice bit of trolley wire. None of these things was sufficiently convincing to him, and he was back to back with the law again time soon after he was set free. It is said that his depredations have cost the local street car companies thousands of dollars.

Heller was tried before Judge Scott at the January term of the Circuit court and sentenced to one year in the penitentiary, one year in the county jail and fined \$100, which meant an additional three months in jail. Throughout the trial he was intelligent and seemed remarkably so. He immediately recognized the fact that if he did not do some clever work he would never get another chance to cut a wire.

Thereafter, after having spent about seven months of his jail sentence, he began to do the maniac act to perfection. Day after day he would rave and tear the padding from the cell in which he was confined.

Played Crazy Part.
Heller had evidently had a good deal of experience with maniacs, and did not fail to imitate crazy people of every variety. So successful was his ruse that a commission of lunatics was sent over him by Dr. W. A. Deas and J. F. Bright and Magistrate J. T. Lewis. He was adjudged insane and sent to the Central State Hospital, where, after a week's observation, Dr. Drewry and his corps of experts came to the conclusion that he was feigning insanity, and telephoned the Henrico authorities to send for him. Mr. Garnett advised Dr. Drewry to put him in the most secure room in the building, which was done. The room was in the third story. Again Heller saw that it was up to him, and again he made good. He tore up his bed clothes, made a rope, did a quick one-armed trapeze act, and got away.

Since then the authorities have been on the alert for him, and though they often got tips that brought them close together, they never quite caught sight of him. According to released prisoners who were in jail along with Heller, he has been seen here several times, and never appeared to be in a hurry. The last time was about two weeks ago, when one of his former associates saw him sitting quietly under the Chesapeake and Ohio viaduct eating peanuts. Mr. Garnett reported the fact to the police and the county officers, but Heller stole away and left no tracks.

Captured After Fight.
When captured yesterday morning he was in the act of taking the train to Norfolk. By chance the attendant was at the depot and recognized him. The one-armed man, seeing that his innate strategy could avail nothing at this juncture, brought his fight to play with such good effect that the attendant was knocked down and almost stunned. The lick was not hard enough, however, to put him out for a long while, and Heller had to give up. Profiting by former experience, Dr. Garnett reported the man under close guard until he was delivered to the deputy sheriff at the depot yesterday evening.

SAFE IN HIS COOK SHOP
WHEN POLICE NAB HIM

Man Long Wanted for Crime Had Started Life Anew, Then Falls Victim of Enemy.
After successfully eluding the police and county officers for more than two years, John Rose, wanted for shooting another negro near the Chemical Works, in Henrico county, was captured at his home, near the corner of Ninth and Cary Streets, yesterday morning. He was carried to the First Police Station and afterwards transferred to the County Jail.

Rose admitted that he did the shooting, but said that it was in self-defense, adding that the man had first attacked him with a knife. At the time yesterday afternoon he said that after the affair he did not run away, but had been in the city and county since the shooting occurred. Part of the time, he declared, he was sick from the effects of wounds inflicted by the man whom he shot. As soon as the pursuit cooled off he came into the city and started a little cook shop on Cary Street, where he lived in security until yesterday. He said that his arrest was due to the fact that some one of Rose's face and hands are covered with scars, which, he says, are from knife wounds. If he can substantiate his story he will most probably be acquitted.

W. and M. Alumni Meeting.
A meeting of the William and Mary College alumni will be held Wednesday evening, 8 o'clock, in Murphy's Hotel. Important business matters will be discussed, and the gathering will be entertaining.

ROBBED PEDDLER
OF LARGE AMOUNT

Jake Russell Victimized by Crooks, Who Get \$200 After Roaming the Streets.

WAS OUT FOR PLEASURE

Citizen Speaks Strongly of the Low Dive Element That Looks for Prey.

Rejoicing because he had some land and thereby added considerably to the weight of his pocketbook, Jake Russell, a peddler of the city, went out Saturday night to gladden his heart, and incidentally he learned to cast his pearls before swine. The night had not progressed far when, in the lower section of the town, he met C. L. Chapman and W. H. Bernard, two young men of not very savory character. They joined him—he would have let anybody join him—and together the three, with some others collected on the route traveled, proceeded to spend Russell's money. Affairs went along smoothly, and by and by, when the lights had gone out one by one, and the dawn was beginning to spread over the eastern sky, Russell went to sleep. His whilom friends went elsewhere, and at the same time it is suspected \$200 of Russell's money went also.

His Wallet Was Missing.
When the victim awoke yesterday he felt, first thing, for his wallet. He had only a few dollars left, except for a stricken conscience and a doubtful memory. He had sold a small parcel of land near South Boston some time on Saturday, and on Sunday morning, of the \$300 he had received, he had only a little over \$10 left. His pleasure trip had cost him dear, and there was trouble in his head. He consulted a police headquarters, and Detective Sergeant Bailey was put on the case. The detective, with Officers Tucker and Kellam, traveled through all the highways and byways which Russell and his friends had traversed the night before, and after much trouble located Chapman and Bernard. The officers found on them about \$11, the possession of which they were unsatisfactory in explaining. Sergeant Bailey secured pretty positive evidence against them, and they were both locked up.

Known to the Police.
Chapman was inclined to put up a little bravado over the affair, but he was soon silenced. He has been in trouble before, and his reputation is not good. Bernard is not quite so well known. After the arrest last night a prominent citizen said that the habit of such dives and living by questionable means should be broken up. There are numerous young men who eke out their existence in this manner, and whose presence in the city is a serious menace to the ignorant ones who fall in their power.

READY FOR FAITHFUL

Acen Temple, Mystic Shrine, to Have First Ceremonial Friday.
Acen Temple, Mystic Shrine, will give its first ceremonial session of the session next Friday evening, 8 o'clock. The session will begin with "glorious chantings and grand processions," according to the invitations sent out, and will close with a banquet which will be up to the standard set by the temple. The invitation, which is in the form of a pamphlet, calls attention of the nobles to the fact that there will be a number of candidates to be taken into "the fold of the faithful," and admonished them to be prepared to give the new-comers a warm reception. All are ordered to come in full regalia—dress suit, fez and claws. There is also added a word about the Arab Patrol and its performance at the convention in St. Paul. The local organization did not take the prize as the best drilled company, but won a special complimentary trophy, which will be shown with much pride Friday night. Potentate T. W. McVey highly commends the patrol on its showing and gentlemanly conduct while at the convention.

THREE ASSAULTS
IN SAME NIGHT

Geo. Carroll, Colored, Waylaid and Robbed—One of Alleged Assaults Found in Second Station.

After he had been brought into the Second Police Station early yesterday morning on a charge of being drunk and disorderly on the street, it was found that Frank Starke, colored, was wanted for assault and highway robbery, his victim being George Carroll.

Carroll was waylaid, assaulted and robbed near the corner of Baker and Tyler Streets, in the Ward, about midnight. The assailants cut him in the head and otherwise disfigured him, besides rendering him hors de combat. He lost \$1—all he had. The negroes escaped with this, but not until the victim had got such a clear view of the assailants that he was able to identify them.

A few hours later Starke was drunk, evidently having spent the afternoon in the Ward's best 5-cent shops. He was taken in by Bicycle Policemen Wiley and Clarke, who had not then heard of the robbery.

CANNOT REGULATE
SALE OF NEAR BEER

Section of Byrd Liquor Law Held Unconstitutional by Judge Harrison.

NO CONTROL OF SOFT DRINKS

Temperance People Fear State Will Be Flooded With Malt Beverages.

Should the decision of Judge T. W. Harrison, of the Circuit Court of Frederick county, rendered on Saturday, declaring section 23 1-2 of the Byrd liquor law unconstitutional, be sustained by the Virginia Supreme Court of Appeals, to which it will be taken, the result, according to advocates and patrons of the bill, will be to open the flood gates for the sale of beer and other liquors by dealers under the cover or pretense of "near beer." The decision of Judge Harrison is in effect that the Legislature had no constitutional right to prohibit the sale of non-intoxicating malt beverages, nor to require a brewer's license for the manufacture of harmless soft drinks.

The opinion is based on section 62 of the State Constitution, which says: "The General Assembly shall have full power to enact local option or dispensary laws, or any other laws controlling, regulating or prohibiting the manufacture or sale of intoxicating liquors." Was a Senate Amendment. Section 23 1-2 was not a part of the original liquor bill drawn up by Speaker Byrd and passed by the House of Delegates. It was put in as an amendment in the Senate and accepted by the House rather than risk losing the whole measure. The case on which Judge Harrison based his decision was that of Robert M. Henry, a former Winchester saloon-keeper, who was arrested and given the minimum fine of \$500 in a magistrate's court in Winchester for selling "near beer" in less than half-dozen bottle lots, as provided by the section in question, which states that a malt beverage containing less than 2 1-4 per cent of alcohol shall be sold by the manufacturer direct to the consumer, not to be drunk where sold, and in quantities of not less than one half-dozen bottles, nor more than four dozen bottles at any one time, and shall not be sold or offered for sale by any other person, firm or corporation.

Henry appealed to the Circuit Court, and the matter has been pending before Judge Harrison for several weeks. In handing down his decision, declaring unconstitutional section 23 1-2, which applied only to the manufacture and sale of malt beverages containing less than 2 1-4 per cent of alcohol, Judge Harrison stated that the Byrd law as a whole was the best measure regulating the liquor traffic the State had ever seen, and that he did not intend to let the people would ever consent to a radical departure from its underlying principles.

Mr. Byrd's Opinion.
Just after the case of Henry was appealed from the magistrate's court, and before the opinion of Judge Harrison was handed down, Speaker Byrd gave an interview to The Times-Dispatch, in which he said: "Personally I disclaim any responsibility for section 23 1-2. It was interpolated bodily by the Senate into the bill as it passed the House."

The danger is that if section 23 1-2 is declared unconstitutional it means that the Legislature cannot regulate the traffic in the so-called "near beers," and that the sale of these liquors may be used as a blind by dealers in actual intoxicants. Except in this regard, section 23 1-2 could be cut out without interfering with the fabric of the bill.

Came from Philadelphia. Dr. and Mrs. George S. Isham and Judge and Mrs. George A. Carpenter, of Chicago, arrived here yesterday afternoon in Judge Carpenter's motor car, at 8 o'clock, to register at the Jefferson Hotel. The party, which is on a pleasure trip, drove here from Philadelphia by way of Washington.

TWO NEGRO WOMEN GET DRUNK,
DECIDE TO COMMIT SUICIDE, BUT
CHANGE THEIR MINDS.

Mary Maple and Alice Twyman fell from grace yesterday morning and got drunk. They were fairly "soused," and knew not what they were doing. The world appeared to them through darkened glasses, and the spectacle was melancholy. They bemoaned the transiency of life, its travails and sorrows. They looked back on their past, and the retrospect was not pleasant, and the prospect was worse. They fell into each other's arms, and crocodile tears splashed down on the unheeding pavement. So they tucked in a few more 5-cent shorts, and decided to commit suicide.

Awkwardly the pair moved in the direction of Shockoe Creek, hard by the vicinities of Valley School, beyond Actor Alley and Fourteenth Street. With a last, sobbing cry, Mary leaped in. "If you die I'm 'gwine die too," wailed Alice, and plunged in. As the black waters closed above them and they tasted of the murky depths, the desire to live returned strongly to them, and they rose shrieking for help. An officer several blocks away heard their wails, and raced to the scene. But when he arrived, another colored woman had pulled them out, and they were wailing beneath the willow on the bank. They turned into the rescuer's home, where they soon forgot their sorry plight in the blessedness of sleep.

Virgilians in Philadelphia.
H. R. Cooley, of Chase City; James A. B. Gibson and George W. Epps, Jr., of Richmond, were registered at the Richmond Hotel, Philadelphia, yesterday.

MEN WHO SPEAK AT FINAL RALLIES HERE



CONGRESSMAN W. A. JONES.

LEADERS SPEAK
AT FINAL RALLIES

Jones, Wright, Tucker and Montague to Advocate Party Support.

Democratic and Republican orators will close the campaign in Richmond this week and indications are that all the meetings will be well attended. Congressman William A. Jones, of the First District, will speak for the Democrats at the Academy to-night under the auspices of the City Committee and the Bryan-Kern-Lamb Club. Mr. James Alston Cabell will call the meeting to order at 8 o'clock and Mayor D. C. Richardson will introduce Mr. Jones. Boxes have been assigned to prominent leaders and their families, and Chairman Doherty announces that women are especially invited to attend. A large number of prominent Democrats in every walk of life have been invited to occupy seats on the stage and to act as vice-presidents. The next meeting of importance will be at the Academy on Wednesday night, when General Luke E. Wright, Secretary of War, will speak for Taft and Sherman. Ex-Congressman Harry St. George Tucker will appear at Corcoran Hall on Thursday night, and on Friday night former Governor A. J. Montague will close the campaign for the Democrats at the Jefferson Hotel auditorium. All the men on the program to speak here in the closing days of the campaign are widely known as strong campaign orators.

SLEPT EVERY NIGHT
IN GROCERY WAGON

Three Little Colored Urethras Aroused Last Night and Driven Forth to Find Another Berth. Curled up in blissful unconsciousness, three little boys, none of whom was more than a yard high, were last night sleeping in a grocery wagon in a grocery wagon in the rear of a house near the corner of Second and Grace Streets and sent forth to find another berth. They had long been in the habit of making the wagon their nightly headquarters, and had given continual trouble to the owner. He could never catch them, though every morning he found traces of their previous presence. Last night he summoned Officer Belton and went to the wagon. The three little urethras were curled up under the seat and over them were thrown a coat and a sack. They snored peacefully. A few lashes across their backs awoke them, and they cried out in terror. They were driven out, and the last seen of them was three streaks flying down to Broad Street.

KILLED BY MULE'S KICK

James Mitchell's Skull Fractured by Animal He Lashed. James Mitchell, a small colored boy, about twelve years of age, was kicked and killed by a mule he was leading yesterday afternoon down Marshall Street. The boy was just turning the corner into Madison, when, because the mule was progressing slowly and showing signs of obstinacy, he took the tail-end of the rope and laid it across the animal's flanks. The mule let out with both heels, and the boy was struck over the head and killed.

THE WEATHER.

Forecast: Virginia—Fair Monday and Tuesday; light southeast to south winds. North Carolina—Fair Monday and Tuesday; light, variable winds.

CONDITIONS YESTERDAY.

Richmond's weather was warm and sunny, obnoxious, but took the tail-end of the rope and laid it across the animal's flanks. The mule let out with both heels, and the boy was struck over the head and killed.

CONDITIONS IN IMPORTANT CITIES.

(C. G. F. M., Eastern Standard Time.)
Place. Ther. H.T. Weather.
Asheville 69 66 P. cloudy
Augusta 70 78 Cloudy
Baltimore 63 70 Clear
Buffalo 68 68 Clear
Chicago 66 64 Rain
Cincinnati 56 62 Clear
Dayton 42 42 Clear
Detroit 60 64 Clear
Raleigh 70 76 Clear
Savannah 66 76 Clear
Norfolk 64 70 Cloudy
St. Louis 61 68 Clear
Washington 61 72 Clear
Wilmington 64 68 Rain
Yellowstone 40 42 Clear

MINIATURE ALMANAC.

October 26, 1908.
HIGH TIDE.
Sun rises 6:29
Sun sets 5:17
Moon sets 1:51
Evening 5:50

WATER COMMITTEE
TO INSPECT FLUME

Meeting Will Be Held at New Pump-House To-Morrow to Go Over Wreck.

COUNCIL MAY INVESTIGATE

Claimed That Inspectors Made No Complaint of Bad Work During Construction.

As a result of the failure of the settling basin flume and the consequent tying up for an indefinite time of the whole scheme for clear water, attention in municipal circles has been largely centered upon the Water Department, where large undertakings are being planned for the extension of the city's water works at the same time the committee is wrestling with the problem of eliminating red tape and reducing the work of the department to a systematic and businesslike basis. The subcommittee on the flume will meet to-morrow at the New Pump-House to make an inspection. The other members of the committee have been asked to compare at this time and take a look at the wreck. The regular meeting of this committee is scheduled for Thursday night, when the subcommittee will be ready to report on the exact condition of the flume. It is claimed that the flume was damaged by the cracks reported and to make recommendations as to repairs or replacing it.

The subcommittee was also charged by the resolution which created it to report on the collection of damages sustained and likely to be sustained by the city by reason of the failure of the Crouse Construction Company to comply with the contract in the erection of the flume.

Investigate Inspection.
Aside from any legal proceedings against the contractor for failure to erect a water-tight tube, the committee will, at its meeting on Thursday night, ask the Council for authority to make an investigation on its own account. Especially will this be directed into the work of the inspectors and resident engineer employed by the city at a cost exceeding \$6,000 to supervise the work, which, in the samples brought to the committee room, has been found to be defective. Engineer Hodgson, manager for the Crouse Company in the erection of the flume, made the statement to a Times-Dispatch representative last week that throughout the construction, covering more than two years, no complaint had been made to him by any inspector for the city of any unsatisfactory work or poorly mixed concrete.

Bridge Committee To-Night.
The Water Committee will also have a report on Thursday night from a subcommittee on reorganization, and will probably adopt a new schedule of rules governing the work of the employees of the department designed to give greater efficiency and economy. Bids will be opened at this meeting for the laying of a new pipe from the New Pump-House to the Reservoir, and for an annex to the steam pump-house in which to install the new electric pumps.

Another effort will be made to-night to get a meeting of the joint committee from the Manchester and Richmond City Councils on repairing or replacing the Free Bridge.

COCKPITS RESPONSIBLE

Seven New Cases of Cholera Are Reported in Manila. MANILA, October 25.—Seven new cases of cholera were reported in this city for the day ending Sunday night. The slight increase in the spread of the disease is ascribed by the authorities to the many gatherings of the people on Saturday night, and to the fact that the situation is not considered to be grave, and the health department feels as though it has the epidemic well under control, expressing no alarm over the increase.

It is probable that the government will further restrict the gatherings of the natives and also the sale of dangerous foods. It is believed that cockpits located in the suburbs of the city, where it is difficult to maintain a strict watch over the sale of foodstuffs, are responsible for the slight increase in the number of cholera cases noted at each week end.

POLITICS IN CUBA.

SANTIAGO DE CUBA, October 25.—General Jose Miguel Gomez and Alfredo Zayas, respectively the presidential and vice-presidential candidates of the Zayas and Miguel faction, were today, an enthusiastic reception here today. Many people arrived in Santiago from all over the island, as numerous excursions had been previously arranged, two coming from as far as Havana.

Several thousand persons took part in the procession in the afternoon, the length of which was more than two miles. A banquet was given in honor of the candidates in the evening, covers being laid for 3,000.

W. C. T. U. CONVENTION.

DENVER, COLO., October 25.—Two temperance meetings and a grand rally of Sunday-school workers made up the program to-day for delegates to the thirty-fifth annual convention of the W. C. T. U. At the afternoon meeting Mrs. Margaret Dye Ellis, of New Jersey, national superintendent of legislation, delivered the sermon. There was a similar meeting to-night, at which Seaborn Wright, of Georgia, made the prayer and address. Both meetings were presided over by the national president, Mrs. Lillian Stevens.

NEW BICYCLE RECORD.

NEWARK, N. J., October 25.—Frank L. Kramer, the champion bicycle rider, broke a new world's record for twenty-five miles, unbacked, in competition at the Vailsburg track to-day, riding the distance in 57:26 3-5. His previous record, made in 1901, was 57:32 4-5.

Kramer rode against a field of strong, experienced, long distance cyclists and was superior to them at every point. The announcement of the world's record figures was received with great enthusiasm.

PREACHED FAREWELL SERMON.

[Special to The Times-Dispatch.] WINCHESTER, Va., October 25.—Rev. E. H. Northern, pastor of the First Baptist Church, this city, preached his farewell sermon to-night to a large congregation. Mr. Northern has accepted a call to the pastorate of the Baptist Church at Hinton, W. Va. During his stay of five years in Winchester he has locally increased the membership of First Church.

A NEW WRITING MACHINE.

NEW YORK, October 24.—The Smith Premier Typewriter Company is exhibiting a new machine, the Waterbury typewriter at the National Business Show here. Experts say that it is a wonderful machine.